

In re Application of: HAREL et al
Serial No.: 10/526,708
Filed: September 25, 2007
Office Action Mailing Date: July 19, 2007

Examiner: FLORY F.A
Group Art Unit: 3762
Attorney Docket: 34490

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-56 are in this Application. Claims 34-36 and 39 to 46 have been rejected under 35 U.S.C. § 102. Claims 1-33 have been rejected on the grounds of nonstatutory obviousness-type double patenting. Claims 45-56 have been rejected on the grounds of statutory type double patenting. Claims 38 and 45 to 48 have been canceled herewith. Claim 34 has been amended herewith. New claims 57-62 have been added herewith.

Amendments To The Specification

The abstract is objected to because it contains the phrase "said at least one electrode". The abstract is amended herewith to replace the word "said" with "the above-mentioned". Applicants respectfully submit that, in view of this amendment, the objection is moot.

Amendments To The Claims

35 U.S.C. § 102 Rejections

Independent claim 34

Independent Claims 34 stands rejected under 35 U.S.C. 102(b) as being anticipated by Findl '366.

Independent Claims 34 stands rejected under 35 U.S.C. 102(b) as being anticipated by Klettner (US 5,013,617).

Independent Claims 34 stands rejected under 35 U.S.C. 102(e) as being anticipated by Houben '216.

Applicants respectfully traverse. Claim 34 is amended, claim 38 is cancelled.

In re Application of: HAREL et al
Serial No.: 10/526,708
Filed: September 25, 2007
Office Action Mailing Date: July 19, 2007

Examiner: FLORY F.A
Group Art Unit: 3762
Attorney Docket: 34490

Claim 34 is amended herewith to include the limitations of claim 38, which was not rejected under 35 U.S.C. 102. Therefore, Applicants respectfully submit that the rejection is moot.

Dependent claims 34-36 and 39-44

The dependent claims are patentable at least for the virtue of being dependent on patentable base claims.

Double Patenting Rejections

Non-statutory Obviousness-type Double Patenting

The rejections

Claims 1-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 and 27-30 of copending application No. 10/804,560.

Claims 30-33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 35-38 of copending application No. 10/804,560.

Claims 34-44 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 39-49 of copending application No. 10/570,576.

Claims 1-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 and 27-30 of copending application No. 10/804,560.

Claims 30 - 33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 35-38 of copending application No. 10/570,576.

Claims 34-44 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 39-49 of copending application No. 10/570,576.

In re Application of: HAREL et al
Serial No.: 10/526,708
Filed: September 25, 2007
Office Action Mailing Date: July 19, 2007

Examiner: FLORY F.A
Group Art Unit: 3762
Attorney Docket: 34490

Discussion

Applicants file herewith terminal disclaimers in compliance with 37 CFR 1.321 (c). Thus, the nonstatutory double-patenting rejections are moot.

Statutory-type Double Patenting

The rejections

Claims 45-56 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 52-63 of copending Application 10/804,560.

Claims 45-56 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 52-63 of copending Application 10/570,576.

Discussion

Claims 45 to 48 are currently cancelled.

Applicant files, simultaneously with the present response, amendments to cancel claims 56-63 of applications 10/804,560 and 10/570,576. The cancelled claims were cited to conflict with claims 49 to 56 of the present application. Applicant respectfully submits that cancelling claims 53-63 of applications 10/804,560 and 10/705,576 renders the rejection to claims 49 to 56 of the present application moot.

New Claims

Claims 57 to 67 are added herewith.

Claim 57 is supported, for instance, by original claim 39.

Claims 58 to 67 are supported, for instance, on page 41 from page 3 to the end of the page, on page 42 first paragraph, and in original claims 14 to 20.

The claims are added to claim additional aspects, embodiments, and features of the disclosed invention.

15

In re Application of: HAREL et al
Serial No.: 10/526,708
Filed: September 25, 2007
Office Action Mailing Date: July 19, 2007

Examiner: FLORY F.A
Group Art Unit: 3762
Attorney Docket: 34490

In view of the above amendments and remarks it is respectfully submitted that claims 1 to 37 39 to 44 and 49 to 67 are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



Martin D. Moynihan
Registration No. 40,338

Date: December 18, 2007

Enclosures:

- Petition for Extension (Two Months)
- Additional Claims Transmittal Fee
- Terminal disclaimer(s) re: 10/804,560 and 10/570,576.